

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR :
PROTECTION CORPORATION, :

Plaintiff, :

v. :

12-MC-115 (JSR)

BERNARD L. MADOFF :
INVESTMENT SECURITIES LLC, :

Movants. :
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In re :

BERNARD L. MADOFF SECURITIES, :

**(Relates to consolidated proceedings on
11 U.S.C. § 550(a))**

Debtor. :
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**NOTICE OF MOTION FOR CERTIFICATION
PURSUANT TO 28 U.S.C. § 1292(b)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion for Certification Pursuant to 28 U.S.C. § 1292(b), and all the papers filed and proceedings had herein, the undersigned Defendants, by and through their undersigned counsel, respectfully move this Court, The Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, to amend the Court's Opinion and Order entered October 29, 2013, to state that it involves a controlling question of law as to which there is substantial ground for difference of opinion, as follows:

Whether the Trustee's recovery action against a subsequent transferee under 11 U.S.C. § 550(a) must be dismissed unless the Trustee has either obtained a judgment against the relevant subsequent transferee avoiding the initial transfer or the Trustee asserts a claim against the subsequent transferee to avoid the initial transfer within the period prescribed by 11 U.S.C. § 546(a),

and that an immediate appeal from the Order may materially advance the ultimate termination of the litigation, pursuant to 28 U.S.C. § 1292(b).

Opposing papers must be filed and served on or before December 10, 2013. Any reply papers must be served on or before December 20, 2013.

Dated: New York, New York
November 12, 2013

/s/ Robinson B. Lacy

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